

**CIVIL CASE NO. 1:09cv233**

**Defendant.**

## ORDER

To date, the Plaintiff has not filed proof of service. Federal Rule of Civil Procedure 4 provides:

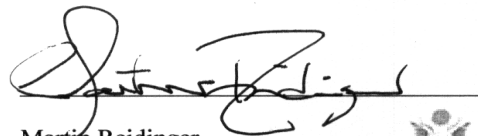
If a defendant is not served within 120 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Fed.R.Civ.P. 4(m).

The Court recognizes that the summons was to be served by the United States Marshal; however, it remained the responsibility of Plaintiff's counsel to insure that service was effected. Plaintiff is hereby placed on notice that unless good cause is shown for the failure to effect service of the summons and complaint on the Defendant, this action shall be dismissed without prejudice.

**IT IS, THEREFORE, ORDERED** that on or before fifteen (15) days of entry of this Order, the Plaintiff shall show good cause for the failure to effect service on the Defendant.

Signed: November 2, 2009

A handwritten signature in black ink, appearing to read "Martin Reidinger", written over a horizontal line.

Martin Reidinger  
United States District Judge

